



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th February, 1982:—

BILL No. 130 OF 1982

A Bill to provide for free legal aid to poor and needy persons involved in criminal cases.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Free Legal Aid Act, 1982.

Short title
and com-
mence-
ment.

(2) This Act shall progressively come into force within a period of nine years from the date of its enactment, in the manner specified in Sub-section (3).

(3) The Central Government and the State Governments shall, by notification in the respective Official Gazettes, progressively enforce the provisions of this Act in one-third of the administrative units or districts within their jurisdiction in the Union territories and States respectively, every three years, so that by the end of the nine-year period the Act shall become applicable throughout the territory of India.

Right of an
accused
having
annual in-
come of
Rs. 1800 or
less to be
defended
by
a legal
counsel.

2. Notwithstanding anything contained in any law for the time being in force in the territory of India, any person, who figures as an accused in a criminal case and whose annual income is one thousand and eight hundred rupees or less, shall have the right to be defended by a legal counsel.

Counsel
to be
appointed
by the
Court.

3. The legal counsel in all such cases shall be appointed by the Court hearing the matter.

Fees to be
fixed by
the court.

4. The fees of the legal counsel, so appointed, shall be fixed by the Court concerned.

Fees
to be
paid by
the
Govern-
ment.

5. The fees so fixed shall be paid by the Central or State Governments, as the case may be, within a period of three months of the delivery of the judgment in the criminal case.

STATEMENT OF OBJECTS AND REASONS

Article 22 of the Constitution of India confers on all persons the right to consult and to be defended by a legal counsel of their choice.

Because of the poverty of the large number of our people, this right, in practice, is denied to many of them; they simply cannot afford to engaged any legal counsel. The fees involved are prohibitive for people who are extremely poor.

In civilised countries it is considered to be the responsibility of the State to provide for free legal assistance to all those who are indigent, in the interest of proper administration of criminal law and preservation of citizens personal liberties. In this country also in cases involving murder charges the courts sometime provide legal counsel, but this cannot be claimed by the accused as a right, and in any way this practice does not apply to a large number of cases not involving capital punishment.

In India the Police and the Magistracy are known to have deprived citizens of their liberties and even to have gone in for frame ups and fabrications in order to establish their "supremacy" over the ordinary citizens.

For want of free legal aid many of the accused cannot defend themselves properly, and this sometimes results in their unjust conviction.

This Bill seeks to provide free legal aid to indigent persons, the indigent persons for purposes of this Act being persons who get Rs. 150 or less per month. The provisions of this Bill, while it will impose some financial burden on the State, will act as a deterrent on indiscriminate arrests, framing of false charges and harassment of the ordinary citizens by the police. Even if this does not lead to a significant fall in the total number of criminal cases, provision of free legal assistance will ensure fair trial and better administration of justice.

NEW DELHI;
September 20, 1982.

MADHU DANDAVATE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for payment of fee to the legal counsel by the Central or State Governments, as the case may be. The enforcement of the Act shall be extended progressively in three stages. During the first three years of the operation of the Act, the annual expenditure from the Consolidated Fund of India will be about one lakh rupees. During the next three years, the expenditure will be about two lakh rupees, and when the Act comes into operation throughout the territory of India, the expenditure from the Consolidated Fund of India will be about three lakh rupees annually.

No non-recurring expenditure is likely to be involved on this account.

BILL NO. 128 OF 1982

A Bill to encourage trade unionism among the employees and to provide for collective bargaining between the employers and representative trade unions of employees.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Recognition of Trade Unions Act, 1982.

Short
title
and
com-
mence-
ment.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “appropriate Government” means, in relation to trade unions whose objects are not confined to one State, the Central Government and in relation to other trade unions, the State Government;

(b) “employer” means—

(i) in relation to an industry carried on by or under the authority of any department of the Central Government or a State Government, the authority prescribed in his behalf or where no authority is prescribed, the head of the department concerned;

(ii) in relation to an industry carried on on behalf of a local authority, the Chief Executive Officer of that authority; and

(iii) in private industry, any employer or association of employers;

(c) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen.

Explanation.—For the purposes of recognition, "industry" may mean either a single industrial establishment or all the industrial establishments in a particular local area to be defined by the appropriate Government provided that the total number of employees engaged in the establishment or in the industry in the local area is at least fifty.

Trade
Union
Autho-
rity.

3. There shall be set up under this Act a Trade Union Authority by each appropriate Government consisting of one or three non-official persons with wide experience of industrial relations.

Recogni-
tion of
trade
unions.

4. Any trade union registered under the Indian Trade Unions Act, 1926, shall be entitled to apply to the Trade Union Authority set up under this Act for recognition as the sole bargaining agent of the employees in a particular industry subject to the following conditions:—

16 of 1926.

(a) that it has a minimum membership of 15 per cent. of the total number of employees engaged in that industry;

(b) that among the various trade unions in that industry it enjoys the support of the largest number of employees in that industry;

(c) that it holds its annual elections democratically and in such a manner that the interval between any two elections is not more than 15 months;

(d) that its managing committee meets at least once in three months;

(e) that its membership is open to all employees in the industry concerned;

(f) that it has a minimum membership fee of one rupee per month;

(g) that its constitution has a mandatory provision for the holding of a ballot for declaring a strike and for collecting a strike fund before a strike is undertaken.

Certi-
ficate of
recogni-
tion.

5. On receipt of the application for recognition, the Trade Union Authority shall ascertain whether the union has complied with all the conditions laid down in section 4 and, after satisfying itself, grant the union a certificate of recognition for that particular industry and, in case there is more than one union which has complied with the conditions, to the union which has the largest membership in that industry.

6. If the difference in the membership of the two largest unions applying for recognition is less than 5 per cent. of the total membership of the union held to be the largest by the Authority, it shall be open to the other union to ask for a ballot for settling the question of their representative character.

Ballot.

7. The ballot shall be held by the Trade Union Authority within a reasonable time and all employees who have not opted out from trade union membership under this Act shall be entitled to vote in the ballot.

Voting.

8. The trade union subscription, which shall be at least one rupee per month but may be upto 1 per cent. of the net monthly earnings of an employee, shall be deducted by the management from his salary and the proceeds thereof paid to union of the employee's own choice:

Subscription for trade union membership.

Provided that at least 5 per cent. of the employees of the organisation are members of that union:

Provided further that the subscription of the employees who have informed the appropriate Government of their decision to opt out from trade union membership shall not be so deducted.

9. The recognition of trade union shall be for a period of two years unless withdrawn earlier by the Trade Union Authority for violation of any of the conditions mentioned in section 4.

Period of recognition.

10. The recognition may be renewed if it is found by the Trade Union Authority that the union continues to comply with all the conditions mentioned in sections 4 and 5.

Renewal of recognition.

11. The recognised trade union shall be entitled to negotiate with the employers in respect of all matters connected with the employment or non-employment or the problems of the employment or the conditions of labour of an area in all its particulars and the employers shall not refuse to reply to letters sent by the said trade union or to hold discussions with the representatives of that union within a reasonable time on a representation being made by that union.

Recognised trade unions to negotiate with employers.

STATEMENT OF OBJECTS AND REASONS

After a century of industrial growth, the condition of the trade union movement in this country remains very anaemic. There are divisions within the ranks of the working class, the membership of trade unions is small, subscriptions low and their financial base very weak. There are interminable disputes among the rival unions about their representative character. Loud protests are daily being voiced against the refusal by the employers, including managements in the public sector and Government departments, to extend recognition to trade unions and treat them as role bargaining agents for particular industries.

This Bill seeks to provide for the compulsory recognition of unions as the sole bargaining agent provided they fulfil certain specified conditions. In case of dispute, it also provides for settling the question of the representative character of rival unions through ballot. The provisions of the Bill are designed to encourage healthy trade unionism in the country.

NEW DELHI;
September 21, 1982.

MADHU DANDAVATE

FINANCIAL MEMORANDUM

The expenditure on each Trade Union Authority envisaged under clause 3 will be approximately rupees ten lakhs per year.

BILL NO. 5 OF 1983

A Bill further to amend the National Highways Act, 1956.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Highways (Amendment) Act, 1983.

(2) It shall extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; but such date shall not be later than three hundred and sixty-five days from the date on which the Bill is assented to by the President.

48 of 1956.

2. In section 2 of the National Highways Act, 1956 (hereinafter referred to as the principal Act),

(i) in sub-section (1), the words "except such parts thereof as are situated within any municipal area" shall be omitted and shall always be deemed to have been omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

Short
title,
extent
and com-
mence-
ment.

Amend-
ment of
section 2.

“(1A) Every road of not more than fifty kilometres in length whether metalled or not, which connects two national highways shall be deemed to be a national highway and the provisions of this Act shall apply to such roads.”;

(iii) for sub-section (3) the following sub-section shall be substituted and shall always be deemed to have been substituted, namely:—

“(3) The Central Government may, by like notification, omit any highway or part of a highway from the Schedule and on the publication of such notification, the highway or a part of a highway, as the case may be, so omitted shall cease to be a national highway, so, however, the status of a road deemed to be a national highway under sub-section (1A), shall not cease to be so unless both the national highways which it connects are omitted from the Schedule.”.

Amend-
ment of
Section 4.

3. In section 4 of the principal Act,—

(i) for clause (i) the following clause shall be substituted and shall always be deemed to have been substituted, namely:—

“(i) all lands appurtenant thereto, except such portions thereof as are situated within any municipal area, whether demarcated or not;”;

(ii) in clause (iii), for the words “or any land appurtenant to such highways,” the words “or any land appurtenant to such highways except the land situated in a municipal area and demarcated as such,” shall be substituted and shall always be deemed to have been substituted.

Amend-
ment of
section 8.

4. In section 8 of the principal Act, the words “as is referred to in sub-section (1) of section 2” shall be omitted and shall always be deemed to have been omitted.

STATEMENT OF OBJECTS AND REASONS

It is often seen that large stretches of national highways falling within municipal areas remain in bad state of repairs. National Highways have to be maintained by the Central Government *in toto*. Considering the comparative meagre resources and limited capacity of the municipal authorities, there would be effective and efficient maintenance of national highways if the Central Government takes upon itself the responsibility of maintaining the national highways falling within the municipal areas.

It is also necessary that strengthening, metalling and maintenance of small feeder roads of not more than 50 kms. in length connecting two national highways should also be the responsibility of the Central Government. Such an arrangement will give relief to State authorities in financial terms besides saving petrol inasmuch as the road users will take to feeder roads instead of taking long detours.

Hence this Bill.

NEW DELHI;
October 6, 1982.

K. RAMAMURTHY

FINANCIAL MEMORANDUM

Clause 2(i) of the Bill provides that such parts of highways which are situated within any municipal area shall be deemed to be national highways. Clause 2(ii) provides that every road which is not more than fifty kilometres in length and connects two national highways shall be deemed to be a national highway. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifteen crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees thirty crores.

BILL No. 6 OF 1983

A Bill to provide for the development, storage and sales of fruits and vegetables and their products

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Fruit and Vegetable Board Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and for different States or different parts thereof.

Short
title,
extent and
commence-
ment.

Declara-
tion as to
expediency
of control
by the
union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the fruit and vegetable industry.

Defini-
tions.

3. In this Act, unless the context otherwise requires,—

(a) "Board" means the Fruit and Vegetable Board established under section 3;

(b) "dealer" means a dealer in fruits and vegetables;

(c) "Executive Director" means the Executive Director appointed under section 5;

(d) "export" and "import" mean, respectively, taking out of and bringing into India by land, sea and air;

(e) "Government" means the Central Government;

(f) "member" means member of the Board and includes the Chairman;

(g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

ESTABLISHMENT OF FRUIT AND VEGETABLE BOARD

Establish-
ment and
constitu-
tion of
Fruit and
Vegetable
Board.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Fruit and Vegetable Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may, with the previous approval of the Government, establish offices or agencies at other places in or outside India.

(4) The Board shall consist of the following members, namely:—

(a) a Chairman to be appointed from amongst the fruit and vegetable growers by the Government;

(b) three members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(c) five members to be appointed by the Government to represent respectively—

(i) the Ministry of the Central Government dealing with agriculture;

(ii) the Ministry of the Central Government dealing with commerce;

(iii) the Ministry of the Central Government dealing with finance;

(iv) the Ministry of the Central Government dealing with industrial development;

(v) the Indian Council of Agricultural Research;

(d) four members to be appointed by the Government from amongst the growers of fruits;

(e) four members to be appointed by the Government from amongst the growers of vegetables;

(f) two members to be appointed by the Government from amongst the dealers and exporters of fruits and vegetables.

(5) The Board shall elect, from amongst its members, a Vice-Chairman who shall exercise such of the powers and perform such of the functions of the Chairman as may be prescribed and as may be delegated to him by the Chairman.

(6) The term of office of the members and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.

(7) The Executive Director and any such officer of the Government (not being a member of the Board), as is deputed by the Government in this behalf, shall have the right to attend the meetings of the Board and take part in the proceedings thereof, but shall not have the right to vote.

(8) The Board may associate with itself in such manner and for such purposes, as may be prescribed, any persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated, but shall not have the right to vote.

5. The Chairman shall be entitled to such salary and allowances and such conditions of service as may, from time to time, be determined by the Government.

Salary and allowances and other conditions of service of Chairman.

6. (1) The Government shall appoint an Executive Director to exercise such powers and perform such duties under the Chairman as may be prescribed or may be delegated to him by the Chairman.

Appointment of Executive Director, etc.

(2) The Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(3) The Executive Director and the Secretary shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be determined by the Government.

(4) Subject to such control restrictions and conditions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

(5) The Chairman, the Executive Director, the Secretary and other officers and employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of the Government.

Committees
of the
Board.

7. (1) The Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Board shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons who are not members of the Board as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in the proceedings of the committee but shall not have the right to vote.

Functions
of the
Board.

8. (1) It shall be the duty of the Board to promote by such measures as it thinks fit, the development, storage and marketing of fruit and vegetables and the fruit and vegetable products industry.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for—

(a) formulating policies for overall development and improvement of production, quality, storage and marketing of fruits and vegetables;

(b) fixing annual production targets of fruits and vegetables;

(c) review of measures for attaining production targets, viz. supply of inputs like fertilizer, water supply, plant protection, measures, credit facilities, etc.;

(d) fixing import quotas for improved seeds;

(e) advising the Government on extension of cold storage facilities;

(f) review of the price trends of table and seed fruits and vegetables;

(g) development of fruit and vegetable products industries;

(h) review of the cost of production of fruits and vegetables and the prices received by the fruit and vegetable growers and to advise Government on the need for price support and other measures to ensure fair prices to the growers.

(i) regulation, control and promotion of the exports of fruits and vegetables and fruit and vegetable products and review of the grading of fruits and vegetables;

(j) collection and maintenance of statistics on any matter relating to fruits and vegetables and fruit industries;

(k) performing such other functions as the Government may from time to time direct.

Dissolu-
tion of the
Board.

9. (1) The Government may, by notification in the Official Gazette and for reasons to be specified therein, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification:

Provided that before issuing any such notification the Government shall give a reasonable opportunity to the Board to make representations

against the proposed dissolution and shall consider the representations, if any, of the Board.

(2) When the Board is dissolved under the provisions of sub-section (1),—

(a) all powers and duties of the Board shall, during the period of dissolution, be exercised and performed by such person or persons as the Government may appoint in this behalf;

(b) all funds and other properties vested in the Board shall, during the period of dissolution, vest in the Government; and

(c) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

10. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to
make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the powers and functions of the Vice-Chairman of the Board;

(b) the term of office and other conditions of service of the members, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members;

(c) the holding of minimum number of meetings of the Board every year;

(d) the circumstances in which and the authority by which a member may be removed;

(e) the power which may be exercised and the duties which shall be performed by the Executive Director and the Secretary;

(f) the procedure to be followed at the meetings of the Board for the conduct of business and the number of members which shall form the quorum at a meeting;

(g) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;

(h) the power of the Board, its Chairman, the Executive Director and committees of the Board with respect to the incurring of expenditure;

(i) the condition subject to which the Board may incur expenditure outside India;

(j) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(k) the form and the manner in which the accounts should be maintained by the Board;

(l) the deposit of the funds of the Board in Banks and the investment of funds;

(m) the conditions to be observed by the Board in borrowing the money;

(n) the collection of any information or statistics in respect of fruits and vegetables;

(o) any other matter which has to be, or may be, prescribed by, or provided for by rules under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to
make
regula-
tions.

11. (1) The Board may make regulations not inconsistent with this Act and the rules made thereunder for enabling it to discharge its functions under this Act.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the procedure to be followed at the meetings of the committees appointed by the Board and the number of members which shall form a quorum at a meeting;

(b) the delegation to the Chairman, members, Executive Director, Secretary or other officers of the Board, of any of the powers and duties of the Board under this Act;

(c) the travelling and other allowances, leave and other conditions of service of officers (other than those appointed by the Government) and other employees of the Board;

(d) the maintenance of the accounts of the Board;

(e) the maintenance of the registers and other records of the Board and its various committees;

(f) the appointment by the Board of agents to discharge, on its behalf, any of its functions;

(g) the persons by whom, and the manner in which, payments, deposits and investments may be made on behalf of the Board;

(3) No regulation made by the Board shall have effect until it has been approved by the Government and published in the Official Gazette, and the Government, in approving a regulation, may make any change therein which appears to it to be necessary.

(4) The Government may, by notification in the Official Gazette, cancel any regulation which has been approved and, thereupon, the regulation shall cease to have effect,

STATEMENT OF OBJECTS AND REASONS

The fruits and vegetables are grown in the country on an extensive scale. With the establishment of Horticulture, Directorates in the States and the encouragement given to horticulture, the production of fruits and vegetables is growing day by day. Now there are no storage or good transport facilities for these commodities. The export and import policies are not well defined for these things.

At present there is a great possibility of exporting fruits and vegetables and the products prepared with fruits and vegetables. Therefore, to encourage production, storage and export of fruits and vegetables and their products, it is expedient that the Union Government takes under its control the development of fruits and vegetables and the fruit and vegetable products industry.

Hence the Bill.

NEW DELHI;

P. RAJAGOPAL NAIDU

October 8, 1982.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Fruit and Vegetable Board. Clause 5 provides for payment of such salary and allowances to the Chairman of the Board as may be determined by the Government. Clause 6(3) provides for payment of salaries and allowances to the Executive Director and the Secretary to the Board. Clause 6(4) provides for appointment of such other officers and employees as may be necessary for efficient performance of the functions of the Board. Clause 7 provides for appointment of committees and co-option of such persons as members thereon who are not members of the Board. Such members of the committees will also have to be paid travelling and other allowances for attending the meetings of the committees. Under clause 8, the Board will take such measures as it thinks fit to promote the development and improvement of production, storage and marketing of fruits and vegetables and the fruit and vegetable products industry. An annual recurring expenditure of about Rs. 20 lakhs is, therefore, likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about Rs. 5 lakhs is also likely to be incurred in carrying out the purposes of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 11 empowers the Fruit and Vegetable Board to make regulations with the previous approval of the Central Government and by notification in the Official Gazette, not inconsistent with the provisions of the Bill and the rules that may be made thereunder.

The matters in respect of which rules or regulations may be made pertain to procedure or administrative detail and as such the delegation of legislative power is of a normal character.

BILL NO. 3 OF 1983

A Bill to provide for ceiling on marriage expenses.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Ceiling on Marriage Expenses Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, "marriage expenses" means expenditure incurred during marriage on invitation cards, illuminations, fireworks, luncheon, dinner, ornaments and gifts.

Limit on
marriage
expenses.

3. The marriage expenses shall be limited to—

- (i) not more than rupees five thousand in the case of a male; and
- (ii) not more than rupees ten thousand in the case of a girl.

Limit on
marriage
expenses
to be
applica-
ble to all.

4. The limit on marriage expenses, as provided under section 3, shall be applicable to all marriages in India irrespective of caste, colour or creed of the bride or the bridegroom.

Punish-
ment.

5. Any violation of the limit imposed under section 3 shall be punishable with fine and imprisonment.

STATEMENT OF OBJECTS AND REASONS

It has been found that marriages in India are performed by spending lavishly. There have been occasions where the expenses on marriages incurred are to the tune of Rs. 1 crore. This has resulted in corruption in almost all walks of life and such lavish expenditure compels persons to use corrupt practices in their official dealings. All "rituals" are performed traditionally in society due to religious sanctions or false concepts about the status of the upper classes. It is, therefore, absolutely necessary to fix a ceiling on total expenditure on marriages. Any violation of the restrictions should be punishable with fine and imprisonment.

Hence this Bill.

NEW DELHI;

B. V. DESAI

January 21, 1983.

BILL No. 7 OF 1983

A Bill to provide for small family promotion and motivation and other measures for population control.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Compulsory Population Control (Small Family Promotion and Motivation) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “operation” means an operation for the purpose of birth control;

(b) “person” means a male or female who is married;

(c) “small family” means a family consisting of husband, wife and three children, male or female, from January, 1983 onwards.

3. Every person, who undergoes an operation after having two children, shall be given by the Government the following incentives, namely:—

Incentives for birth control operations.

(a) suitable employment, if the person is unemployed;

(b) free education to his children upto the senior secondary stage including supply of books, exercise books and uniforms free of any charge;

(c) allotment of a plot of land for building a house or a built-up house on priority basis;

(d) grant of loan for building a house or purchasing a built-up house;

(e) fifty per cent charges will be met by the Government for one of his sons or daughters for higher technical education.

4. Where a Government servant or his/her spouse undergoes an operation after having one child, he/she shall, in addition to the incentives provided for in section 3, shall be given the following incentives, namely:—

Incentives for Government servants.

(a) two advance increments with effect from the first day of the calendar month in which the Government servant or his/her spouse undergoes the operation;

(b) allotment of Government accommodation within a period of six months from the date of the operation.

5. (1) There shall be established Small Family-cum-Child Care Centres, hereinafter called the Centre, by the Government for every one hundred of population in rural areas and for every one thousand of population in urban areas.

Establishment of Small Family-cum-Child Care Centres.

(2) The Centre shall guide the married persons in the use of preventive methods of birth control and provide them with suitable birth control devices free of any charge.

(3) There shall be made adequate arrangements at every Centre for carrying out birth control operations, post-operation care of the persons who undergo operation and supply of necessary medicines/medical treatment to them free of any charge.

STATEMENT OF OBJECTS AND REASONS

The most crucial problem facing the country at present is the population problem. The population of India is a growing phenomenon and to check its growth it is necessary that the problem should be tackled at all levels. During the last 30 years between 1951 to 1981, while the Gross National Product has increased by 50 per cent. the population has exploded by 108 per cent. It is, therefore, of paramount importance that the Government should take serious steps to check the growth of population in the country with a view to achieving rapid economic progress and raising the standard of living of people. The States should lay down the norms of small family and provide incentives, both monetary and material, to those who practise family planning and adopt small family norms. Compulsory small family from 1983 onwards is a very healthy and essential step to be taken by the Government.

Hence this Bill.

NEW DELHI;
January 21, 1983.

B. V. DESAI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for suitable employment to such persons who are unemployed, free education to their children, including free supply of books, uniforms, etc., allotment of a plot of land for building of a house or a built-up house and grant of house building loan to such persons who undergo birth control operation after having two children. Clause 4 provides for two advance increments and allotment of Government accommodation to such persons who are Government servants and who undergo an operation after having one child. Clause 5 provides for establishment of Small Family-cum-Child Care Centres by the Government, free arrangements at these Centres for carrying out birth control operations, post operation care and supply of medicines free of any charge. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on implementation of these provisions in the Union territories and at the same time towards making grants-in-aid to the States to meet a part of this expenditure. An annual recurring expenditure of about *rupees five crores* is estimated to be incurred from the Consolidated Fund of India on this account.

A non-recurring expenditure of about *rupees ten crores* is also likely to be incurred for carrying out the purposes of the Bill.

BILL No. 11 OF 1983

A Bill to provide for pension, provident fund, minimum wages and other amenities for agricultural workers.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Agricultural Workers (Payment of Pension, Fixation of Minimum Wages, Compulsory Insurance and other Amenities) Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Payment
of pension
to agri-
cultural
workers.

2. A pension of rupees one hundred per month shall be paid by the Government to all agricultural workers above the age of Sixty years.

3. (1) The provident fund facilities shall be extended to the agricultural workers and for that purpose the Central Government may, by notification in the Official Gazette, frame a scheme to be called the Agricultural Workers Provident Fund Scheme.

Agricultural
Workers
Provident
Fund
Scheme.

(2) In particular and without prejudice to the generality of the foregoing power to frame the Scheme,—

(a) the Government and the employer of agricultural workers each shall contribute separately to the provident fund at a rate of six and a quarter per cent of the wages payable to each of the agricultural workers employed by an employer;

(b) the expenditure on enforcement of the scheme shall be borne by the Government;

(c) the agricultural worker shall be required to contribute two per cent. of the total wages to the provident fund.

4. An agricultural worker shall be paid a minimum wage of fifteen rupees per day or ten rupees plus food-grains for the rest of the amount per day.

Minimum
wages
of agri-
cultural
workers.

5. (1) Every agricultural worker shall be insured for rupees ten thousand to cover the risk of death while working on the farm.

Insurance
of agri-
cultural
workers.

(2) The agricultural worker shall contribute rupees two per month and the Government and the employer shall contribute rupees five each per month towards the insurance cover.

6. A maternity allowance of rupees fifty per month shall be paid by the Government to women agricultural workers for a period of three months and one month's maternity leave shall be given with full wages.

Maternity
allowance.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Bill.

Power
to make
rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The agricultural workers in the country are the worst sufferers as when the age goes up they are not able to serve any more, with the result that they remain unemployed and their daily living becomes miserable. After having put in a long service on the farm for about 60 years of their life, earning a livelihood for their children, they become invalid and their families suffer. No provident fund and other facilities are available to the agricultural workers so far in comparison to labourers in various other industries. There is a need for paying the minimum wages to the agricultural workers as in the other cases and there is genuine need to cover the risk of death of the agricultural workers while working on the farm. It is, therefore, necessary that some kind of an allowance is paid to them after they attain the age of 60 years when they become ineffective in working. Some compensation is necessary for their long service on the farm. It is, therefore, high time that legislation to achieve these objectives is enacted in the country.

Hence this Bill.

NEW DELHI;

B. V. DESAI

January 21, 1983.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of pension to agricultural workers above the age of 60 years at the rate of Rs. 100 per month. Clause 3 provides that contribution by the Government to the Agricultural Workers Provident Fund at the rate of six and a quarter per cent of the wages payable to each of the agricultural workers and the expenditure on the enforcement of the Agricultural Workers Provident Fund Scheme is to be borne by the Central Government. Clause 5 provides for compulsory insurance to cover the risk of the agricultural workers. Clause 6 provides for payment of maternity allowance of Rs. 50/- per month to women agricultural workers for a period of three months and for one month's maternity leave with full wages. An annual recurring expenditure of about rupees three hundred and fifty crores is, therefore, likely to be involved from the Consolidated Fund of India on the implementation of the provisions of the Bill, if enacted.

A non-recurring expenditure of about rupees fifty crores is also likely to be incurred from the Consolidated Fund of India for the purpose of providing an administrative machinery by the Central Government for carrying out the purposes of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides for the Central Government to frame a Scheme to be called the Agricultural Workers Provident Fund Scheme. Clause 7 empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of the legislative power is of a normal character.

BILL No. 4 OF 1983

A Bill further to amend the Representation of the People Act, 1951.

Short title
and com-
mencement.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1983.

(2) It shall come into force at once.

Insertion of
new section
10B.

2. After section 10A of the Representation of the People Act, 1951 43 of 1951 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“10B. If a person changes his party affiliation or independent status after having been declared elected on a symbol allotted to him, he shall resign immediately from the membership of the House and shall be allowed to seek fresh election within six months from the date of change of party or independent status.”.

Insertion
new section
new section
33A.

3. After section 33 of the principal Act, the following section shall be inserted, namely:—

“33A. A candidate shall, at the time of nomination for election, make a declaration that in case he changes his party affiliation or independent status after having been elected on a symbol allotted to him, he shall have to seek re-election within six months from the date of change of party or independent status.”.

STATEMENT OF OBJECTS AND REASONS

After every elections the process of change of party has become a very common factor. Almost all the recognised parties take advantage of it. This has given rise to political corruption and people have started losing faith in democracy.

The situation can be improved only by ensuring that candidates who contest the election on a symbol allotted to their respective parties and change their political affiliation or the independent status after elections are made to fight fresh election for being chosen as the members of Legislatures concerned through a suitable amendment in the Representation of the People Act, 1951.

This Bill seeks to achieve this objective.

NEW DELHI;
January 21, 1983.

B. V. DESAI

AVTAR SINGH RIKHY.
Secretary.

